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11 Attorneys for Defendant
12 CONSULTING FIDUCIARIES, INC.

13 **UNITED STATES DISTRICT COURT**

14 **NORTHERN DISTRICT OF CALIFORNIA**

15 HILDA L. SOLIS,
16 Secretary of the United States
17 Department of Labor,

18 Plaintiff,

19 v.

20 DENNIS WEBB, MATTHEW FIDIAM, J.
21 ROBERT GALLUCCI, CONSULTING
22 FIDUCIARIES, INC., and THE PARROT
23 CELLULAR EMPLOYEE STOCK
24 OWNERSHIP PLAN,

25 Defendants.

26 Case No.: C 12-2055 EMC

27 **~~STIPULATED REQUEST AND~~
[PROPOSED] ORDER CONTINUING
CASE MANAGEMENT CONFERENCE
AND HEARING DATES ON PENDING
MOTIONS DUE TO JUDGE LaPORTE'S
CONTINUANCE OF THE PREVIOUSLY-
SCHEDULED SETTLEMENT
CONFERENCE**

28 Date: March 14, 2013

Time: 10:30 a.m.

Courtroom: 5

29 **STIPULATION**

30 WHEREAS, on November 15, 2012, this Court entered a Scheduling Order following the
31 initial Case Management Conference in this action ordering the parties to complete either a private
32 mediation or settlement conference with a magistrate judge within 120 days of the Order. *See* Dkt.
33 # 72;

34 WHEREAS, in the same Scheduling Order, this Court set a further Case Management
35 Conference for March 14, 2013 at 10:30 a.m. *Id.*;

36 WHEREAS, on November 29, 2012, this Court referred this matter to U.S. Magistrate

1 Judge LaPorte for a settlement conference and ordered the parties to complete the settlement
 2 conference within 120 days of the date of the referral. *See* Dkt. # 78.

3 WHEREAS, Magistrate Judge LaPorte set a settlement conference in the matter for
 4 February 27, 2013. *See* Dkt. # 85;

5 WHEREAS, the settlement of the action at the settlement conference would moot the need
 6 for the hearings on the Secretary's Motions to Strike the Defendants' Affirmative Defenses [Dkt.
 7 ## 49, 74, 76] and on Defendants Fidiam's, Gallucci's, and the ESOP's Motion to Correct Order
 8 [Dkt. # 66] (collectively, "the Motions"). Hence, the parties submitted a stipulation and proposed
 9 order seeking to continue the hearings on those matters from January 17, 2013 to a date after the
 10 February 27, 2013 settlement conference with Magistrate Judge LaPorte. *See* Dkt. # 86;

11 WHEREAS, the Court granted the parties' request and continued the hearings on the
 12 motions to April 4, 2013. *See* Dkt. No. 87;

13 WHEREAS, on February 11, 2013, Magistrate Judge LaPorte continued the settlement
 14 conference *sua sponte* from February 27, 2013 to June 21, 2013. *See* Dkt. # 88;

15 WHEREAS, Defendant Webb is unable to attend the settlement conference on June 21,
 16 2013 and intends to request that the June 21, 2013 date be changed;

17 WHEREAS, a settlement of the case at the settlement conference with Magistrate Judge
 18 LaPorte would moot the need for hearings on the Motions; and

19 WHEREAS, the parties still wish to conserve the Court's and their time and resources by
 20 continuing the hearings on the Motions until a date after the settlement conference.

21 WHEREFORE, the parties stipulate as follows and request that the Court enter an order
 22 approving this request:

23 1. The April 4, 2013 hearings on the Secretary's Motions to Strike the Defendants'
 24 Affirmative Defenses [Dkt. ## 49, 74, 76] shall be continued to July 25, 2013 at 1:30 p.m., or such
 25 other time as convenient for the Court;

26 2. Likewise, the April 4, 2013 hearing on Defendants Fidiam's, Gallucci's, and the
 27 ESOP's Motion to Correct Order [Dkt. # 66] shall be continued to July 25, 2013 at 1:30 p.m., or
 28 such other time as convenient for the Court;

3. The Further Case Management Conference shall be continued from March 14, 2013 to July 25, 2013 and follow the hearings on the above-described Motions;

4. The parties shall file a Further Case Management Conference statement on or before July 18, 2013; and

5. The time for completing the settlement conference stated in the Court's November 29, 2012 Order [Dkt. # 78] shall be extended to June 22, 2013, the day after the presently-scheduled settlement conference with Magistrate Judge LaPorte , or the date following any such settlement conference as continued by Magistrate Judge LaPorte due to the unavailability of Defendant Webb on June 21, 2013.

Date: February 28, 2013

PLAN BENEFITS SECURITY DIVISION
OFFICE OF THE SOLICITOR
U.S. DEPARTMENT OF LABOR

By: /S/ Glenn M. Loos
GLENN M. LOOS
ERIC C. LUND
Attorneys for Plaintiff
HILDA L. SOLIS
Secretary of the United States Department of Labor

Date: February 28, 2013

BAKER & MCKENZIE LLP

By: /S/ James P. Baker
JAMES P. BAKER
Attorneys for Defendant
MATHIEU FIDIAM, J. ROBERT GALLUCCI, AND
THE ESOP

Date: February 28, 2013

TRUCKER HUSS

By: /S/ R. Bradford Huss
R. BRADFORD HUSS
VIRGINIA PERKINS
Attorneys for Defendant
DENNIS WEBB

SIGNATURES CONTINUED ON NEXT PAGE

1 Date: February 28, 2013

WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP

2 By: /S/ Donald P. Sullivan
3 RALPH W. ROBINSON
4 DONALD P. SULLIVAN
5 Attorneys for Defendant
6 CONSULTING FIDUCIARIES, INC.

7 **[PROPOSED] ORDER**

8 Based on the parties' above-stated representations, and for good cause shown, it is hereby
9 ordered:

10 1. The April 4, 2013 hearings on the Secretary's Motions to Strike the Defendants'
11 Affirmative Defenses [Dkt. ## 49, 74, 76] and on Fidiam's, Gallucci's, and the ESOP's Motion to
12 Correct Order [Dkt. # 66] shall be continued to July 25, 2013 at 1:30 p.m.

13 2. The Further Case Management Conference set for March 14, 2013 shall be
14 continued to July 25, 2013 and follow the hearings on the above-described Motions;

15 3. The parties shall file a Further Case Management Conference statement on or
16 before July 18, 2013; and

17 4. The parties shall complete the settlement conference in this matter on or before June
18 22, 2013 or as soon thereafter as Magistrate Judge LaPorte may reschedule the settlement
19 conference due to the unavailability of Defendant Webb on June 21, 2013.

20
21 **PURSUANT TO STIPULATION, IT IS SO ORDERED:**

22 Date: 3/4/13

